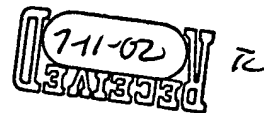


Official



Similarly, the end user can program a device to recognize the user's individual preferences for the same dimensions. See column 5, lines 1-8. Thus, when the end user desires, the user may screen a particular asset by comparing the user's preference parameters to those assigned by the content provider. See column 5, lines 28-42. If the provider's value for a given dimension is greater than the corresponding user preference value, then the play of the asset is blocked. *Id.*

Pursuant to Buchl's teachings, an advertiser would be a content or asset provider. See column 3, lines 50-53. Accordingly, the end user's preference values for various dimensions would be compared to the corresponding values assigned to the advertisement by the advertising producer. If the user's preference values are greater than those assigned by the producer for each dimension, then the advertisement may play.

In contrast, the claims require a predetermined rating for content other than advertisement content and a rating specified by an advertiser so that the two non-end user ratings may be compared. Buchl does not teach or suggest two non-end user ratings for comparison. Thus, Buchl does not teach or suggest the limitation of comparing a rating for a content to a rating specified by an advertiser. Moreover, the Examiner admits as much that Buchl teaches only viewer and producer ratings but not an advertiser rating for comparison. See for example, page 4, lines 3-7. Specifically, the Examiner states that Buchl teaches comparing "viewer preference vector values" to ratings "specified by the producers." *Id.* (emphasis added). Thus, the Examiner has not specifically pointed out where Buchl teaches a rating that is specified by an advertiser.

The distinction between end user preference values and advertiser ratings is not insignificant. For example, the end user uses his or her own individual preference values to control or screen what the user or the user's children view. See Buchl, column 1, lines 60-64. Thus, the end user has no control over what other end users may view. In contrast, a rating specified by an advertiser may be utilized to determine whether its advertisement should be displayed to more than one end user in conjunction with other content. Thus, the advertiser has control over what many end users view. In other words, the advertiser has control over what

content its advertisement is associated with. Accordingly, Buchl does not teach or suggest the limitation in question. For this reason alone, the claims are not obvious.

Further, there is no reason to modify Slezak in view of Buchl. Slezak provides on demand programming that is interleaved with secondary programming such as advertising. See column 1, lines 18-22. Slezak does not teach or suggest a rating system. See Paper No. 7, page 4, lines 1-3. In contrast, Buchl provides a multidimensional rating system for each particular asset to be utilized by content providers and end users. See column 1, lines 8-11. Buchl does not contemplate applying his rating system in any other manner. Thus, there is no support in the references for the Examiner's conclusion that it would have been obvious to one of ordinary skill in the art to modify Slezak to rate content and compare that rating to a rating specified by an advertiser "in order to permit playing suitable content only to the viewers corresponding to the accepted program rating aspect". See Paper No. 4, lines 9-13. This conclusion is merely impermissible hindsight.

Accordingly, the application is in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

Date: 7-11-02



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